

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

ULTRATEC, INC. and CAPTEL, INC., Plaintiffs, v. SORENSEN COMMUNICATIONS, INC. and CAPTIONCALL, LLC, Defendants.	Civil Action No. 3:13-cv-00346-BBC
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**MOTION FOR (1) LEAVE TO INTERVENE AND
(2) LIMITED RELIEF FROM PROSECUTION BAR**

Intervenor Maschoff Brennan Laycock Gilmore Israelsen & Wright, PLLC (“Maschoff Brennan”) moves (1) for leave to intervene in this action for the limited purpose of seeking relief from the August 26, 2013 “Stipulated Protective Order” (“Order,” ECF Doc. 40) and (2) to relieve one of its attorneys, Adam Smoot, from the prosecution bar imposed by paragraph 6 of the Order.

Mr. Smoot used to be employed by Baker Botts, LLP, while it was counsel of record for defendants Sorenson Communications, Inc. and CaptionCall, LLC in this action. While employed by Baker Botts, Mr. Smoot worked on this litigation and may have been exposed to material produced and designated by plaintiffs Ultratec, Inc. and CapTel, Inc. as “HIGHLY CONFIDENTIAL–OUTSIDE COUNSEL ONLY–PROSECUTION BAR.” As a result, “until one (1) year following the final resolution of this litigation, including appeals,” Mr. Smoot may not:

(i) supervise or participate in the drafting, filing, or prosecuting of patent applications related to the subject matter of the patents-in-suit or (ii) provide (verbally or in tangible form, in whole or in part) such Material or Information, or Information gained from such inspection, to any person

involved in the drafting, filing, or prosecuting of patent applications related to the subject matter of the patents-in-suit.

(Order ¶ 6.)

Because it has been years since Mr. Smoot was exposed to the plaintiffs' prosecution-bar information, and he recalls none of it, Maschoff Brennan seeks leave to intervene and relief from the bar on Mr. Smoot's supervision of and participation in the prosecution "of patent applications related to the subject matter of the patents-in-suit." Relief is *not* sought from the ban on providing prosecution-bar information.

This motion is supported by an accompanying memorandum and an accompanying declaration from Mr. Smoot.

Dated: February 22, 2018

Respectfully submitted,

By: /s/ L. Rex Sears

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 22, 2018 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

Dated: February 22, 2018

By: /s/ L. Rex Sears